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EAST TIMOR

Background to the Current Human Rights Situation
Arbitrary Arrest and Detention, Torture and Ill-Treatment
Extra-Judicial Executions and Forced Disappearances
Restrictions on Freedom of Movement, Speech and Association
Violation of Religious and Cultural Rights
Conclusion and Recommendations

Background to the Current Human Rights Situation

Since Indonesian troops invaded the territory in December 1975, and illegally annexed it in July 1976, one third of the population of East Timor, or about 200,000 people have died as a result of killings, bombings and famine brought on by the war. [1] U.N. General Assembly and Security Council resolutions have affirmed the right of the East Timorese to a free and fair act of self-determination and have appealed repeatedly for Indonesia to withdraw its occupation forces. An armed resistance has been carried on since 1975. [2]

Though Indonesia's pervasive security apparatus has effectively sealed off East Timor's borders since 1975, extensive documentation on continuing human rights abuses in the territory have been received regularly from three principal sources: the Roman Catholic Church in East Timor (which remains the primary social institution in the territory), refugee reports, and documents produced by the active and clandestine resistance in East Timor.

Indonesia officially declared the territory "open" to tourism and commerce in January 1989 (Presidential Decree No.62/1988). In practice, 5 of 13 districts are still inaccessible to outsiders. Since Pope John Paul II visited East Timor in October 1989, there has been a sharp increase in arrests and executions. In January 1990, General Benny Murdani visited East Timor, after which thousands of additional troops have been deployed in military action against the resistance. Timorese youth in particular have been targeted because of the increasing frequency of demonstrations, since the Pope's visit. [3]

The one tenuous protection from Indonesian repression has been the Timorese Catholic Church, though it has been unable to operate freely. Catholic Youth organizations are prohibited. Non-Indonesian priests have experienced intimidation and threats. The personal safety of Bishop Carlos Ximenes Belo, Apostolic Administrator of the Diocese of Dili, has been precarious since his appeal to the United Nations Secretary General in February 1989. [4]

With a shift in the focus of resistance from the mountains to the towns, particularly Dili, came an increase in army patrols around the city and the appearance of "mystery gangs", which have acted like death squads. [5] Significant restrictions on access to and travel within the territory remain, postal and telephone communications are monitored, freedom of assembly and association continue to be denied, and international human rights organizations are still barred from the territory. [6]

Arbitrary Arrest and Detention, Torture and Ill-Treatment

On 12 October 1989, immediately after the Pope's visit, about 40 young people were arrested. Though most were released after questioning, some were beaten and tortured. By telephone Bishop Belo indicated that he was "shocked that the military extracted false confessions from them under torture."

On 5 November 1989, many young people were arrested following a demonstration in support of Bishop Belo. Violent beatings and torture with electric shocks were reported. Two youths disappeared. On 13 November 1989, two young people were arrested near the University in Lahane. One was killed, allegedly trying to escape. On 15 November 1989, a military unit and four platoons of the 744th battalion encircled St. Joseph's school. Many students were beaten. Those arrested are believed to include Pedro da COSTA and ANATALINO. [7]

Dozens of youth were detained after a peaceful pro-independence demonstration during US Ambassador Monjo's visit on 17 January 1990. Australian tourists who witnessed the demonstration say that the students were violently attacked by security forces after the departure of the ambassador.

> "The police carried batons and the military carried rifles and used these weapons to push the students into a human mound against the fence. There were shoes scattered over the road as well as blood... there were a lot of injuries, possibly some serious ... a body which appeared very limp was thrown into the back of a truck and his face covered with a red rag." [8]

Two students were killed during the demonstration and a third died later, according to the Legal Aid Institute in Jakar-

ta. The Indonesian government denies that arrests took place, but Amnesty International learned that at least five of those detained remained in custody in February 1990.

Amnesty International also reports that 11 Timorese convicted of sympathies with the resistance movement now remain in acknowledged detention, 5 in Jakarta and 6 in Dili's Bekora prison. [9] Between January and March 1990, the International Committee of the Red Cross (ICRC) visited 54 political detainees in five different detention centres in East Timor. [10]

In August 1990, four students, Lucas SOARES, Carlos LOPES, Alvaro RIBEIRO and Domingos BOSSA, were arrested in Bali, accused of having in their possession information on human rights violations in East Timor. [11]

After demonstrations in September 1990, five students, Alexio LAGA (Gama), Vincente Amalal MONIZ, Francisco LEAL, EUSEBIO, and Agostinho PEREIRA, were detained. Eye witnesses who saw Alexio LAGA in detention say that he bore the signs of torture. His face was swollen, he had cuts and bruises and was extremely weak from lack of food. The whereabouts of all five were still unknown as of 16 October 1990. [12]

Extra-Judicial Executions and Forced Disappearances

Massacres occur in some parts of East Timor as reprisals for guerilla actions. The Manado Unit from Sulawesi (Unit 712) is alleged to have killed up to 100 civilians in April 1990 in Lour, between Bobonaro and Ainaro. A tourist who travelled in the area, which has a heavy concentration of Indonesian troops, reported how local people told him that *"Unit 712 was terribly bad and had killed many people, including women and children ... there were often massacres of 14, 12, 8 people."* [13]

Following are several of the documented cases of extra-judicial executions and enforced disappearances:

- Miguel da COSTA was shot dead by Indonesian soldiers in December 1989 while gathering plants in the forest near Los Pallos;
- Tomas PINTO was shot dead by Indonesian soldiers during a military operation in Baucau;
- Octavio MONTEIRO, a resistance activist, was found dead on 12 December 1989, thought to have been killed by Indonesian intelligence [14];
- Candido AMARAL, father of 5, refused to make a statement under torture. On 29 March 1990 he was taken to Tula-Metan and machine- gunned to death in such a way that "part of his body disappeared." The commander of the unit later visited Kraras and offered a sack of rice, 5 packets of biscuits and a box of macaroni to his widow [15];
- On 29 August 1990, soldiers of Battalion 509 found Kasa BUI, a 30- year-old woman working in a field. After repeatedly raping her, they cut her head, arms and legs from her body [16]; and
- four residents of Maubara, Felix da COSTA, Jose dos SANTOS, Francisco do CARMO and Custodio da Silva NUNES were arrested by soldiers in April and have subsequently disappeared. [17]

On 10 September 1990, a group of 12 off-duty Indonesian soldiers stabbed to death 30-year-old Domingos Mau RADI in front of the "Escola China" building at 7:30 in the evening and left the scene in two taxis. The wearing of shorts, T-shirts and a black necklace is often sufficient for a young Timorese to be detained, interrogated and beaten by the police, because these are said to symbolize allegiance to the resistance. [18]

According to Robert Domm, an Australian trade unionist who was able to visit and interview Sha na na GUSMAO, leader of the Timorese Resistance Army in September 1990, a new Indonesian death squad has been created in Dili. Called the "Ninjas", they wear black clothes and black masks over their faces. They operate at night, abducting persons who subsequently disappear. [19]

In December 1989, Indonesia announced that KOOPSKAM, the special military structure created for the territory nearly a decade ago, was disbanded. But a number of reports say the command still exists, that headquarters have merely been moved to Baucau, out of sight of foreigners. [20] A number of battalions (up to 40,000 soldiers) supported by two helicopter squadrons and about six thousand Timorese militia, are presently involved in clean-up operations against the guerillas, making East Timor one of the most militarized zones in the world. [21]

Restrictions on Freedom of Movement, Speech and Association

The fundamental freedoms of movement, speech and association continue to be restricted in East Timor, according to Asia Watch (March 1990). Timorese who leave their place of residence for 24 hours must report to local authorities in the place that they visit. Identity cards (KTP) are routinely checked. Outgoing and incoming mail is screened and telephone calls outside the country are monitored.

Once scattered throughout the countryside in mountain villages, the Timorese population has been forced to live in conditions of poverty in strictly controlled resettlement centres. There were house-to-house searches during the month of June 1990 throughout Viqueque, Baucau and Los Pallos [22]

In June 1990, military authorities forcibly recruited 15 men from each village in the districts of Liquica and Ermera, to be integrated into infantry battalions operating in the area against the Timorese resistance. [23]

When Anglican Bishop Paul Moore visited East Timor with his wife Brenda in December 1989, they were questioned at 6 military check- points in the four-hour drive from

Dili to Baucau. Bishop Moore spoke of the "oppressive Indonesian military presence" he encountered there, and of people living under an "atmosphere of fear and terror." [24]

Violation of Religious and Cultural Rights

Animism, the traditional religion of East Timor is banned. Timorese must choose one of the four religions recognized as legitimate by Indonesia. Traditional religious and cultural practices of the Timorese have also been outlawed -- customs essential to their interdependent economic system. The CORAMETON (similar in style and function to the Potlach of Native peoples of the west coast of Canada) is no longer permitted. According to Indonesian officials, the Timorese exchange too many goods, kill too many animals for feasting and waste their time in singing and dancing.

In 1985 Mr. Martono, Minister for Transmigration, expressed the long-term goals of the Indonesian state with regard to the ethnic diversity of the archipelago.

> "By way of transmigration, we will...integrate all the ethnic groups into one nation, the Indonesian nation...The different ethnic groups will in the long run disappear because of integration...and there will be...one kind of man..." [25]

In anthropological terms, East Timor is extremely diverse and one of the last reservoirs of pre-industrial Asian-Polynesian culture in the world. Anthropologists fear that the extraordinary cultural diversity of East Timor -- some 30 ethno-linguistic groups in 1975 -- is under threat of elimination. Indonesian linguist Lukman Hakim has expressed alarm at the fact that the Makua language, for example, is now spoken by fewer than 50 people. [26]

In March 1990, Mr. H. J. C. Princen, Director of the Jakarta-based Institute for the Defense of Human Rights, said in an interview with the Melbourne Herald,

> " Execution, torture and imprisonment are still widespread...many of them [are] villagers shot without provocation while working or travelling in the countryside. There is no respect for these people, their language and customs. The local culture is disappearing quickly." [27]

Conclusion and Recommendations

The failure of Indonesia's fifteen year occupation of East Timor was recorded by a team of sociologists from Yogyakarta's Gadjah Mada University in a study undertaken at the request of the Bank Indonesia. The report proved so damaging to Indonesia's image that the seminar at which it was to have been discussed was cancelled. The research team reported widespread fear of the Indonesian armed forces throughout the population, as well as mistrust and rejection of Indonesian development projects. Where the Indonesian government sees integration as having resolved the issue of decolonization, the study states that "East Timorese society does not see it in that light." [28]

International concern for East Timor was originally addressed to the U.N. Special Committee on Decolonization, which is preoccupied with the Timorese people's right to self-determination. The fact that a genuine referendum on self-rule is central to solving the serious human rights situation in East Timor was illustrated by Bishop Belo's 1989 correspondence to the U.N. Secretary General, in which he says that though Indonesia claims that they have chosen integration, "the people of East Timor have never said this." Under Indonesian rule, they *"continue to die as a people and as a nation."*

Again in August 1990, the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities urged Indonesia to facilitate the access of international humanitarian organizations into East Timor.

In recent years, many countries, including Canada, have found it expedient for political and commercial reasons to defer to Indonesia's occupation of East Timor and ignore the wide range of human rights abuses still continuing in the territory. Fifteen years of quiet diplomacy and lobbying by the international human rights community have brought few results. Bolder, more public initiatives on the part of governments are needed to press Indonesian authorities to respect the human rights of a small nation. East Timor represents the struggle of the very weak against the brutality of the very powerful. The churches and all those who uphold human rights cannot capitulate to the concept that the strong be allowed to define justice for the weak.

We recommend that the Canadian government:

1. help apply international pressure on the Indonesian authorities to give free and unrestricted access to international relief and independent human rights agencies to work in East Timor, particularly the International Committee of the Red Cross and Amnesty International;

2. under agenda Item 23 of the 47th Session the U.N. Commission on Human Rights, express its concern about restrictions on the right and responsibility to promote human rights, with specific reference to East Timor;

3. encourage the Secretary-General of the U.N. to include representative of the Timorese people, including the Nationalist Convergence, in talks held under his auspices in accordance with U.N. Resolution GA 37/30 (1982);

4. call for a withdrawal of Indonesian occupation forces from East Timor and demonstrate support for the right of the people of East Timor to a free and fair act of self-determination, as affirmed by repeated U.N. Resolutions; and

5. support efforts to reinstate Indonesia on the list of countries being investigated under Confidential Procedure 1503 of the U.N. Commission on Human Rights, as one exhibiting a consistent pattern of gross and systematic violations of human rights.

Notes

[1] David Selby, *Human Rights, Indonesian Expansionism: The Case of East Timor*, (Cambridge University Press).

[2] U.N. General Assembly Resolution 3485 XXX (1975) has been reaffirmed seven times, Binding Security Council Resolution 384 (1975) twice.

[3] *La Paix est Possible au Timor Oriental*, Lisbon, No. 34, July 1990.

[4] Pax Christi International, "Statement to the U.N. Special Committee on Decolonization", August 9, 1990.

[5] *Melbourne Age*, October 10, 1990.

[6] Amnesty International, "Statement to the U.N. Special Committee on Decolonization", August 9, 1990.

[7] *East Timor Monthly Memo*, Lisbon, January 1990.

[8] Jenny Groves, Statutory Declaration, Darwin, Australia, January 23, 1990.

[9] Amnesty International, "Statement to the U.N. Special Committee on Decolonization," August 9, 1990.

[10] *Ibid.*

[11] *La Paix est Possible au Timor Oriental*, No. 35. November 1990.

[12] Amnesty International, "Urgent Actions", 16 October 1990.

[13] *East Timor, Violations of Human Rights, August 1989 - August 1990*. Australian Council for Overseas Aid - Human Rights Office, Melbourne, Australia.

[14] *TAPOL Bulletin*, No. 98, April 1990.

[15] East Timor Monthly Memo, Lisbon, No.6, July 1990, p.1.

[16] *La Paix est Possible au Timor Oriental*, No. 35, November 1990, p.2.

[17] *East Timor Monthly Memo*, Lisbon, No.6, July 1990, p.2.

[18] *East Timor Monthly Memo*, Lisbon, No. 10, October 1990, p.1.

[19] ABC (Australian Broadcasting Corporation) Radio, 28 October 1990.

[20] TAPOL, "Statement to the U.N. Special Committee on Decolonization", August 9, 1990.

[21] Commission for the Rights of the Maubere People, Lisbon, "Statement to the U.N. Special Committee on Decolonization", August 9, 1990.

[22] *East Timor Monthly Memo*, Lisbon, No.8, September 1990, p.1.

[23] *Newsbriefs*, Fretilin, Lisbon, August 1990.

[24] *Journal de Noticias*, Lisbon, April 1990.

[25] *The Ecologist*, United Kingdom, Vol 16. No. 2/3, 1986, p.89.

[26] *Ibid.*

[27] *International Herald Tribune*, October 20, 1989.

[28] TAPOL, "Submission to the U.N. Special Committee on Decolonization," August 9, 1990.